



**DEPARTMENT OF THE NAVY**  
NAVAL FACILITIES ENGINEERING COMMAND  
BASE REALIGNMENT AND CLOSURE  
PROGRAM MANAGEMENT OFFICE WEST  
33000 NIXIE WAY, BLDG 50 Suite 207  
SAN DIEGO, CA 92147

5000-110  
Ser BPMOW.els/106  
April 23, 2020

Ms. Lauren Starnes  
Husch Blackwell LLP  
736 Georgia Avenue, Suite 300  
Chattanooga, TN 37402

Dear Ms. Starnes:

This letter responds to your Freedom of Information Act request of April 9, 2019 in which you requested various records concerning the former Marine Corps Air Station (MCAS) El Toro. Your request was received by this office on June 4, 2019 and assigned Case File Number DON- NAVY-2019-005713. This letter provides the final release for Item 1 of your request and makes the remaining 7 responsive records available to you via FOIA Online.

On August 14, 2019, we reached agreement on the scope of your request as follows:

1. Correspondence between Navy and Heritage Field and/or City of Irvine regarding environmental conditions of PRL 354, PRL 886/887, and MSC JPS.
2. Correspondence between Navy and regulatory agencies discussing PRL 354, PRL 886/887, MSC JPS, IRP 19, IRP 25, Carveout 11-M, and Carveout 11-K.
3. Reports documenting environmental conditions of PRL 354, PRL 886/887, MSC JPS, IRP 19, IRP 25, Carveout 11-M, and Carveout 11-K.
4. Documents and communications with the lessee(s) regarding PERF(s) at PRL 354.

We further agreed that the date range for Items 1 and 4 is the date the FOSL was executed (August 3, 2004) through the date the parcel was transferred (April 30, 2010 for Carve-Out 11-M, and April 7, 2011 for Carve-Out 11-K), and the date range for Items 2 and 3 is from the date of installation closure (July 2, 1999) to present (August 14, 2019, the date our records search began). You requested that we prioritize our search and review for Item 1 first with a \$400 fee limit for our review and processing, and provide a fee estimate for Items 2-4 before processing those items. On January 30, 2020, we provided our final determination on Item 1 and provided the link to the online Administrative Record for 4 of the 11 responsive records.

This letter provides the final release for Item 1 of your request and makes the remaining 7 responsive records available to you via FOIA Online. These 7 records are identified in the table below:

<b>7 Responsive Records Being Released via FOIA Online</b>		
<b>Document #</b>	<b>Date</b>	<b>Title</b>
003232	2005-01-26	PUBLIC INFORMATION MATERIALS PACKAGE FOR THE 26 JANUARY 2005 RESTORATION ADVISORY BOARD MEETING (INCLUDES AGENDA, 01 DECEMBER 2004 MEETING MINUTES, JULY 2004 - JULY 2005 MEETING SCHEDULE, AND VARIOUS HANDOUTS)
003305	2005-07-27	27 JULY 2005 PUBLIC INFORMATION MATERIALS FOR NO FURTHER ACTION FOR SOIL PUBLIC MEETING AND THE 76TH RESTORATION ADVISORY BOARD (RAB) MEETING [INCLUDES AGENDA, 25 MAY 2005 RAB MEETING MINUTES AND VARIOUS HANDOUTS]
004208	2008-03-05	TRANSMITTAL OF THE DRAFT SITE INSPECTION WORK PLAN POTENTIAL RELEASE LOCATIONS {PRL} (W/OUT ENCLOSURE)
004300	2008-05-14	TRANSMITTAL OF THE FINAL SITE INSPECTION WORK PLAN, POTENTIAL RELEASE LOCATIONS (W/OUT ENCLOSURE) [SEE RECORD # 4301 - FINAL SITE INSPECTION WORK PLAN]
004430	2008-10-22	TRANSMITTAL OF THE DRAFT SUMMARY REPORT FOR GROUP VI POTENTIAL RELEASE LOCATIONS, SITE INSPECTION
004558	2009-04-01	15 APRIL 2009 95TH RESTORATION ADVISORY BOARD MEETING MAILER [INCLUDES AGENDA, PUBLIC NOTICE, 28 JANUARY 2009 DRAFT RAB MEETING MINUTES AND SIGN-IN SHEETS, AND 03 DECEMBER 2008 FINAL RAB MEETING MINUTES]
004627	2009-08-07	19 AUGUST 2009 RESTORATION ADVISORY BOARD MEETING MAILER (INCLUDES AGENDA, PUBLIC NOTICE, DRAFT 15 APRIL 2009 MEETING MINUTES AND SIGN-IN SHEET, FINAL 28 JANUARY 2009 MEETING MINUTES, AND CD COPY)

Each of these 7 records are partially exempt from disclosure pursuant to the following exemption to FOIA: FOIA Exemption 6 [5 U.S.C. § 552(b)(6)] which exempts from disclosure personal information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Responsive and non-exempt portions of these records are being released to you.

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You have agreed to pay up to \$400.00 for the review and processing of Item 1 of your request. Processing of your request for Item 1 has exhausted this \$400.00 limit. An invoice detailing review fees is enclosed and is payable at this time. For your information, we have placed you in the "commercial use requester" category for the purposes of assessing fees (32 C.F.R. §286.12).

We are continuing our search for records responsive to Items 2 through 4. We will provide a cost estimate for the review and processing of these records when the search is completed. Although our review and processing continue, the recent COVID-19 pandemic is slowing our response times and it is difficult to project when a cost estimate will be provided.

In view of the above, you may consider this to be an adverse determination that may be appealed. Since you have created an account in FOIA Online, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

The Department of the Navy  
Office of the General Counsel (ATTN: FOIA APPEALS)  
1000 Navy Pentagon,  
Room 5A532  
Washington, DC 20350-1000

Your appeal, if any, must be transmitted (if appealing by FOIA ONLINE) or postmarked (if appealing by mail) within 90 calendar days from the date of this letter. Please be advised that a FOIA requestor has the burden of proving timely submission of an appeal. Additionally, you must include in your appeal a statement indicating why you believe your appeal should be granted, and you are encouraged to also include a copy of your initial request and a copy of this letter.

For any further assistance regarding any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.A.Julka@navy.mil or 703-697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1- 877-684-6448; or facsimile at 202-741-5769.

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Any questions concerning this matter should be directed to Ms. Erica Spinelli who may be contacted at [erica.spinelli@navy.mil](mailto:erica.spinelli@navy.mil) or at 619-524-5926.

Sincerely,

KIMBERLY A. OSTROWSKI  
Director